

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN MORGAN,)	
)	
Plaintiff,)	Civil Action No. 07 - 130
)	
)	District Judge Gary L. Lancaster
)	Magistrate Judge Lisa Pupo Lenihan
v.)	
RAYMOND RUSTIN, et al,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above-captioned prisoner civil rights complaint was received by the Clerk of Court on February 2, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On March 6, 2007, Magistrate Judge Lenihan issued an Order to Plaintiff to submit the \$350.00 filing fee or move to proceed *in forma pauperis* (IFP) and provide a certified inmate accounting statement signed by the records officer at the prison by March 30, 2007 if he wished to proceed with his civil rights complaint (doc. no. 2). Nothing was submitted to the Court. On April 4, 2007, Magistrate Judge Lenihan issued a Report and Recommendation to dismiss the complaint without prejudice for failure to pay the filing fee or submit a motion to proceed *in forma pauperis* (doc. no. 3). No objections have been filed.

After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of May, 2007;

IT IS HEREBY ORDERED that the complaint is **DISMISSED** without prejudice for failure to pay the filing fee or submit a motion to proceed *in forma pauperis*. Plaintiff will be

permitted to re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00 or submitting a motion to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 3), filed on April 4, 2007 Magistrate Judge Lenihan, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

A handwritten signature in black ink, appearing to read "G L Lancaster", is written over a horizontal line.

The Honorable Gary L. Lancaster
United States District Court Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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